

NEW HAMPSHIRE SUPREME COURT
ORAL ARGUMENT LIST
OCTOBER 2006

The cases listed are scheduled for argument in October 2006. Attorneys and parties are advised of the following:

1. The morning session will begin at 9:30 a.m. Persons presenting oral argument in the first and second cases of the morning session must check in with the receptionist by 9:00 a.m. **Persons presenting oral argument in the third and fourth cases of the morning session must check in at 10:00 a.m.** The afternoon sessions will begin at 1:00 p.m. Persons presenting oral argument in the first and second cases of the afternoon session must check in by 12:30 p.m. **Persons presenting oral argument in the third and fourth cases of the afternoon session must check in by 1:30 p.m.**
2. The order of the arguments is subject to change.
3. The amount of time allotted to each party is shown. The court intends to limit the attorney or party presenting the argument to the allotted time. If an attorney or party intends to divide the allotted time with another person, or intends to reserve a portion for rebuttal, the attorney or party should notify the courtroom monitor before the session. A maximum of two minutes may be reserved for rebuttal.
4. The justices will refrain from asking questions during the first three minutes of each person's argument; this period of non-questioning may be waived. Persons presenting oral argument should assume that the court is familiar with the facts.
5. To waive oral argument: (a) a stipulation of all parties for submission on briefs must be filed at least 10 days prior to the scheduled argument date and the stipulation must be accepted by the court; or (b) a motion to waive argument must be filed at least 20 days prior to the scheduled argument and the motion must be granted by the court. See Rule 18(7).
6. The moving party is responsible for presenting and transmitting the portions of the record necessary to decide the questions of law presented by the case. See Rules 13 and 14.

N O T I C E

IT IS A CLASS B FELONY TO CARRY A FIREARM OR OTHER DEADLY WEAPON AS DEFINED IN RSA 625:11, V IN A COURTROOM OR AREA USED BY A COURT.

ANY PERSON WHO REQUIRES AN AUXILIARY AID TO HEAR ORAL ARGUMENT SHOULD NOTIFY THE CLERK OF COURT AS FAR IN ADVANCE AS POSSIBLE SO THAT THE EQUIPMENT CAN BE AVAILABLE.

Tuesday, October 3, 2006, beginning at 9:30 a.m.

Check-in 9:00 a.m.:

1. 2005-0473 Petition of Maxi Drug, Inc.; Hannaford Brothers Corp.; CVS Pharmacy, Inc.; Walgreens Co., Inc.; and NH Independent Pharmacy Association, LLC
C&M (Glenn R. Milner) for Maxi Drug, Inc. & a. (15 min.)
Attorney General (Suzanne M. Gorman) (15 min.) for NH Department of Health and Human Services
2. 2006-0144 Michelle Westberry & a. v. Vermont Wholesale Building Products, Inc. & a.
Vermont Wholesale Building Products, Inc. v. J. W. Jones Lumber Co. & a.
D&EJ for Vermont Wholesale WS&P for J. W. Jones Lumber
(Brett J. Harpster) (Robert E. Murphy, Jr.)
(15 min.) (15 min.)

HICKS, J., DISQUALIFIED

Check-in 10:00 a.m.:

3. 2006-0125 Appeal of Francis Lorette
(Compensation Appeals Board)
M&O (Mark D. Morrisette) for Francis Lorette (15 min.)
WS&P (Michael R. Mortimer) for Seppala Construction Co., Inc.
(15 min.)
Attorney General
4. 2005-0212 In re Juvenile 2005-0212
Werme L/O (Paula J. Werme) for mother (15 min.)
Maryellen Bilech for Juvenile (15 min.)
GAL: DRC (I. Kristine Bergstrom)
Confidential Attorney General (Karen A. Schlitzer) for NH Department of Health and Human Services

Tuesday, October 3, 2006, beginning at 1:00 p.m.:

Check-in 12:30 p.m.:

1. 2005-0040 Petition of the State of New Hampshire
Attorney General (Robert S. Carey) (15 min.)
Appellate Defender (Theodore Lothstein) for Joseph San
Giovanni (15 min.)
2. 2005-0126 Syncom Industries, Inc. v. Eldon Wood, Fabio Flores and
d/b/a Syncom Services William Hogan
Gannon L/O SDW&H (James R. Davis) for
(William S. Gannon) Eldon Wood
(15 min.) Gordon L/O (Joshua L.
Monziona L/O Gordon) for William Hogan
(V. Richards Ward, Jr.) (15 min. total)

Check-in 1:30 p.m.:

3. 2005-0652 John Boynton and v. Dennis Figueroa & a.
Alicia Boynton Philpot L/O for Signature
BSS&N Building Systems, Inc.
(Andru H. Volinsky) (Edward D. Philpot, Jr.)
(15 min.) (15 min.)
 4. 2006-0079 Randy Duquette v. Warden, NH State Prison
O&R Attorney General
(Pamela E. Phelan) (Susan P. McGinnis)
(15 min.) (15 min.)
- Amici:
DL&G (Richard J. Lehmann) for Kenneth Violette
Steven Pelletier; Dwayne Hearn; Kyle Krueger; Marc Estes;
Christopher Bishop; Edmour Lefebvre; David Muzzey; William
Johnson; Warren Peterson; Ralph Barclay; Dereck Hamel;
Douglas Morton; Randy Lavalley; Edward Silva; Michael
Forbes; Bruce Usher; Mark E. Gagne, and Antonio Marti, pro
se

DUGGAN, J., DISQUALIFIED

Wednesday, October 18, 2006, beginning at 9:30 a.m.:

Check-in 9:00 a.m.:

1. 2005-0694 State of New Hampshire
Attorney General
(Stephen D. Fuller)
(15 min.) v. Donald a/k/a “Sam” W. Morrill
Appellate Defender
(Theodore Lothstein)
(15 min.)

2. 2005-0776 In the Matter of Moises Choy and Elsa Choy
Germaine L/O (Brian G. Germaine) for Moises Choy (15 min.)
Griffin L/O (Barbara J. Griffin) for Elsa Choy (15 min.)

Check-in 10:00 a.m.:

3. 2005-0847 Town of Deering
U&H
(Matthew H. Upton)
(15 min.) v. Brian Landry
H&K
(J. Daniel Marr)
(15 min.)

4. 2005-0848 Margaret A. Shaff
DM&B
(David P. Eby)
(15 min.) v. Edith Layland & a.
Cassidy L/O
(James M. Cassidy)
(15 min.)

Wednesday, October 18, 2006, beginning at 1:00 p.m.:

Check-in 12:30 p.m.:

1. 2005-0912 Plourde Sand & Gravel v. JGI Eastern, Inc. f/k/a Jaworski
Co. Geotech, Inc.
HMAM&S D&H
(Frank P. Spinella, Jr.) (Jeffrey L. Alitz)
(10 min.) (10 min.)
2. 2005-0931 In the Matter of Elizabeth Lu and Michael Lu
W&N (Doreen F. Connor) for Elizabeth Lu (15 min.)
Morgan L/O (Thomas N. Morgan) for Michael Lu (15 min.)

HICKS, J., DISQUALIFIED

Case to be submitted on briefs, without oral argument:

1. 2006-0033 Rebecca Miller v. Brian Blackden
Filed no brief Penny S. Dean

Date: August 28, 2006

Attest: _____
Eileen Fox, Clerk